



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Edward L. Simonds

SERIAL NO.: 09/63⁹1,198
FILED: August 15, 2000

TITLE: COMBUSTION HEATER

Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR REVIEW OF NOTIFICATION

PURSUANT TO 37 C.F.R. 1.53 (e)(2)

RECEIVED

NOV 08 2002

OFFICE OF PETITIONS

Dear Sir:

This is in response to the Notice of Incomplete NonProvisional Application dated August 22, 2002, in the above-captioned patent application, a copy of which is attached hereto.

Applicant, by way of this Petition, respectfully requests review of the Notice.

Applicant submits that a Notice of Incomplete Non-Provisional Application was previously mailed to Applicant, dated April 2, 2001. On April 11, 2001, Applicant filed a Request for Review of Notification Pursuant to 37 C.F.R. 1.53(e)(2), a copy of which is attached hereto, along with a copy of the USPTO stamped return postcard. A check in the

CERTIFICATE OF MAILING

I hereby certify that this Response is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 8 day of October, 2002, with adequate postage affixed thereto.

amount of \$130.00 in payment of the fee was enclosed. Also enclosed was the affidavit of Ms. Sharon K. Janes pertaining to the drawings included with the Application.

The undersigned attorney, registered to practice before the United States Patent and Trademark Office, submits that he personally observed the drawings being included with the application as filed on August 15, 2000.

The undersigned also submitted a copy of the drawings which were included with the documents originally filed with the United States Patent and Trademark Office on August 15, 2000.

Applicant requests that the application be assigned the original filing date of August 15, 2000. If there is an additional fee for this Request for Review of Notification, the Examiner is requested to deduct it from Deposit Account No. 501305.

Pursuant to the Notice of Incomplete Non-Provisional Application, enclosed is a copy of Applicant's Combined Declaration and Power of Attorney.

Applicant requests that if this Petition is found to be sufficient to show that the drawings were submitted with the application, the petition fee be refunded to applicant. If anything further is required, please feel free to contact the undersigned at (515) 288-9263.

Respectfully submitted,

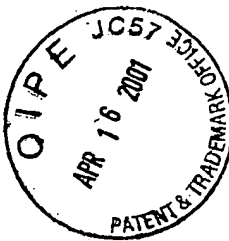
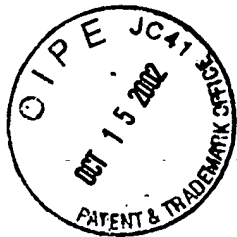


By _____
Brett J. Trout, Reg. No. 37,250
BRETT J. TROUT, P.C.
300 S.W. 5th, Suite 222
Des Moines, IA 50309

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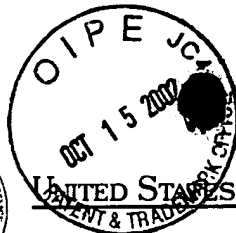


April 10, 2001

Applicant: Edward L. Simonds
Serial No. 09/638,198
Filed: August 15, 2000
Title: COMBUSTION HEATER

Please acknowledge receipt of the following:

Request for Review of Notification
Check for \$130.00
Copy of Notice of Incomplete Application
Copy of Cover Letter for original application
Declaration of Sharon K. Janes
Combined Declaration and Power of Attorney
3 sheets Drawings
sj



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/639,198	08/15/2000	Edward L. Simonds	

24236
BRETT J. TROUT
300 S.W. 5TH
SUITE 222
DES MOINES, IA 50309

CONFIRMATION NO. 1573

FORMALITIES LETTER



OC00000008665955

Date Mailed: 08/22/2002

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition:

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

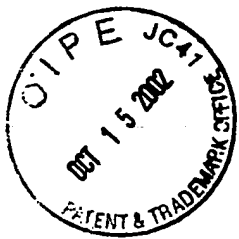
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Edward L. Simonds

SERIAL NO.: 09/638,198

FILED: August 15, 2000

TITLE: COMBUSTION HEATER

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Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR REVIEW OF NOTIFICATION

PURSUANT TO 37 C.F.R. 1.53 (e)(2)

Dear Sir:

This is in response to the Notice of Incomplete NonProvisional Application dated April 2, 2001, in the above-captioned patent application, a copy of which is attached hereto.

Applicant, by way of this Petition, respectfully requests review of the Notice. The undersigned attorney, registered to practice before the United States Patent and Trademark Office, submits that he personally observed the drawings being included with the application as filed on August 15, 2000. Applicant includes herewith the affidavit of Ms. Sharon K. Janes, who also personally witnessed the drawings being included with the application as originally

CERTIFICATE OF MAILING

I hereby certify that this Response is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 11 day of April, 2001, with adequate postage affixed thereto.

filed. Finally, enclosed is a copy of the Cover Letter that was filed with the patent application, which indicates that informal drawings have been enclosed with the documents being filed.

The undersigned also submits that the copy of the drawings which our draftsman identifies as the "PTO copy" are not in the application file maintained on Applicant's behalf, which is further evidence that the drawings were included with the documents originally filed with the United States Patent and Trademark Office on August 15, 2000.

Applicant requests that the application be assigned the original filing date of August 15, 2000. Applicant encloses herewith a check in the amount of \$130.00 for the petition fee, pursuant to 37 CFR 1.17(i). Also enclosed is a copy of the drawings originally filed with the application.

Pursuant to the Notice of Incomplete Non-Provisional Application, enclosed is a copy of Applicant's Combined Declaration and Power of Attorney.

Applicant requests that if this Petition is found to be sufficient to show that the drawings were submitted with the application, the petition fee be refunded to applicant. If anything further is required, please feel free to contact the undersigned at (515) 288-9263.

Respectfully submitted,

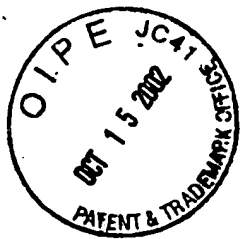


By
Brett J. Trout, Reg. No. 37,250
GUNDERSON, SHARP, TROUT & RHEIN,
P.C.
317 6th Avenue, Suite 600
Des Moines, IA 50309

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Edward L. Simonds

SERIAL NO.: 09/638,198

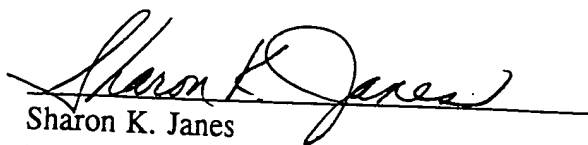
FILED: August 15, 2000

TITLE: COMBUSTION HEATER

DECLARATION

The undersigned, Sharon K. Janes, states that the informal drawings for the above referenced patent application were submitted for filing with the application on August 15, 2000.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this document, declares that and all statements made to her own knowledge are true and all statements made on information and belief are believed to be true.


Sharon K. Janes
Legal Assistant

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COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled COMBUSTION HEATER, the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above;

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a);

I do not know and do not believe that the invention was ever known or used in the United States of America before my invention thereof;

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my invention thereof for more than one year prior to this application;

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application;

I acknowledge the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; and

As to applications for patents or inventor's certificate on the invention filed in any country foreign to the United States of America, prior to this application by me or my legal representatives or assigns, no such applications have been filed.

As the named inventor, I hereby appoint Brett J. Trout, Registration No. 37,250, Gunderson, Weindruch, Trout & Rhein, P.C., 317 - 6th Avenue, Suite 600, Des Moines, Iowa, telephone (515) 288-0219, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment; or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Edward L. Simonds

Inventor's signature *Edward L. Simonds* 8/14/00
Date

Residence: 2879 R Avenue, Adel, Iowa 50003

Citizenship: USA

Post Office Address: 2879 R Avenue, Adel, Iowa 50003

